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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/675,903
Filing Date: September 30, 2003
Appellant(s): KARAOGUZ ET AL.

Jae-Hu Kim
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01-22-2008 appealing from the Office action mailed 08-06-2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US6,253,246	NAKATSUYAMA	6-2001
US2002/0144276	RADFORD et al.	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-15, 17-25 and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by **Nakatsuyama, Takashi** (U.S.6,253,246; hereinafter refer as ‘**Nakatsuyama**’).

- In regard to claims 1, 11 and 21, **Nakatsuyama** discloses *the computer program, system and method for controlling transfer of media content in a communication network* (for example see figures 1, 4; col. 1, lines 7-10; col. 4, lines 60-66; col. 7, line 58 through col. 8, line 12; wherein video and music on demand ‘VOD/MOD’ are “*media content*”), *which comprise*

receiving an input specifying at least one media file for transfer via a communication channel in the communication network (for example see figure 4; col. 2, lines 14-15, 30-32; wherein the request information such as genre, content name, etc. as disclosed in col. 5, lines 5-23, 39-50, is the “*input specifying media file for transfer*”);

causing a display of a plurality of quality of service options corresponding to the at least one media file for selection by a remote user (for example see figure 2; col. 2, lines 30-32; col. 5, lines 5-67; wherein, after the user, e.g. “*remote user*”, inputs request information such as genre, content name, etc., e.g. “*input specifying at least one media file*”, into the genre select field 5, content name input field 2 of the Graphical User Interface ‘GUI’, e.g. “*display*”, in the display screen 15a of the monitor as disclosed in fig. 2, col. 5, lines 39-50; the cursor will move to the quality setting field 3 and transfer time setting field 4 of the GUI on the display screen 15a (see fig. 2) and stand waiting for user’s setting the selecting quality and transfer time in the genre/content name field, as specified in col. 5, lines 50-51, e.g. “*causing a display of a plurality of quality of service options for selection by a remote user*”, and where the “*quality of service options*” is disclosed in figure 3; col. 5, lines 52-67; col. 7, line 58 through col. 8, line 41);

receiving a quality of service selection specifying at least one of the plurality of quality of service options (for example see col. 2, lines 30-32; col. 6, lines 38-45; steps S3-S4 in figure 4);
and

transferring the at least one media file via the communication channel utilizing the quality of service selection (for example see col. 6, lines 38-45; step S5 in figure 4).

- Regarding claims 2, 4, 12, 14, 22 and 24, **Nakatsuyama** further discloses,

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transferring at least a portion of specified parameters to a first communication device coupled to the communication network (for example see figures 2-3; col. 2, lines 44-48; col. 7, lines 58 through col. 8, line 12; wherein the choice of compression rates or ratios selected according to the user's request and genre of the data in figure 2, e.g. "*portion of specified parameters*", is transmitted to the distribution unit 20 through the communications network 30 as disclosed in col. 6, lines 38-45); *and*

wherein the first communication device is at least one of a broadband headend and a media server ('data distribution unit 20' in figure 1; for example see Abstract; col. 3, lines 27-40; where the distribution unit at the server side, e.g. "*media server*", is applicable for distributing MOD and VOD as disclosed in col. 12, lines 21-26).

- In regard to claims 3, 13 and 23, **Nakatsuyama** further discloses,

configuring at least a portion of the communication channel by a second device utilizing the transferred at least a portion of said specified parameters (for example see col. 13, lines 29-32; col. 14, lines 12-15; where the transmission channels are controlled by the controlling means, e.g. "*second device*").

- Regarding claims 5, 15 and 25, **Nakatsuyama** further discloses,

generating the received input specifying the at least one media file for transfer via at least one of a media guide, channel guide and a device guide ('guide data'; for example see col. 8, lines 64-67).

- In regard to claims 7, 17 and 27, **Nakatsuyama** further discloses, *at least one of queuing and buffering at least a portion of the at least one media file during the transferring* ('means for storing'; for example see figure 1; col. 2, line 29; col. 4, lines 5-6).

- Regarding claims 8-9, 18-19 and 28-29, **Nakatsuyama** further discloses, *presenting a cost for transferring the at least one media file via the communication channel utilizing the quality of service selection* (for example see col. 12, lines 10-16) and *varying the cost depending on the selected parameters that specify the quality of service* (for example see col. 12, lines 1-16).

- In regard to claims 10, 20 and 30-31, **Nakatsuyama** further discloses, *wherein the parameters for transfer of the at least one media file comprises at least one of a resolution, color content, encoding type, encoding rate, compression type, display size, a bandwidth to be utilized for transfer of the transfer, a time to be utilized for the transfer, and a cost for the transfer* (for example see col. 5, lines 12-38; col. 7, line 58 through col. 8, line 41; col. 12, lines 1-16) and wherein controller, such as controllers 16 and 26 in figure 1, is the "*computer processor*", for controlling the distribution data service (for example see col. 4, lines 49-67; col. 7, lines 25-57) such as VOD, MOD in the digital signal processing system as disclosed in col. 1, lines 12-22.

3. Claims 1-7, 10-17, 20-27 and 30-31 are rejected under 35 U.S.C. 102(a) as being anticipated by **Radford et al.** (U.S.2002/0144276; hereinafter refer as '**Radford**').

- In regard to claims 1, 11 and 21, **Radford** discloses *the computer program, system and method for controlling transfer of media content in a communication network* (for example see page 1, para [0001], [0008]; where the multi-media content in stream data is “*media content*”, as defined in page 2, para [0017]), *which comprise*

receiving an input specifying at least one media file for transfer via a communication channel in the communication network (for example see page 2, para [0018], lines 1-5, 12-14; wherein the user’s request audio/video content for streaming is the “*input specifying at least one media file for transfer*”);

causing a display of a plurality of quality of service options corresponding to said at least one media file for selection by a remote user (for example see page 1, para [0008]; page 2, paras [0018-0019]; page 4, paras [0029-0031]; wherein the user interface in fig. 2, e.g. “*display*”, provides the quality levels, image size, revolution or bit rate, etc. are “*quality of service options for selection*” for selecting the initial quality levels by user, e.g. “*remote user*”);

receiving a quality of service selection specifying at least one of said plurality of quality of service options (for example see pages 1-2, para [0009], lines 1-12; page 4, para [0031], lines 9-34; wherein the user’s re-requesting quality level/display time are “*specifying quality of service selection in the quality of service options*”); *and*

transferring said at least one media file via said communication channel utilizing said quality of service selection (for example see page 2, para [0009], lines 12-14; page 4, para [0031]; wherein the new streamed data for the user’s re-request, e.g. “*media file utilizing said quality of service selection*”, is delivered to user).

- Regarding claims 2, 4, 12, 14, 22 and 24, **Radford** further discloses,
transferring at least a portion of specified parameters ('re-request') to a first communication device coupled to the communication network (for example see pages 1-2, para [0009], lines 1-12; page 4, para [0031], lines 1-16; wherein listing server or hosting server is the "first communication device"); and
wherein the first communication device is at least one of a broadband headend and a media server (wherein the listing server or hosting server, e.g. "media server", is for delivery the multi-media content files as disclosed in page 2, para [0017], to user's request).

- In regard to claims 3, 13 and 23, **Radford** further discloses,
configuring at least a portion of the communication channel by a second device utilizing the transferred at least a portion of said specified parameters (for example see page 3, para [0022]; page 4, paras [0029-0031]; wherein the user/client device, as defined in page 2, para [0016], e.g. "second device", selects the desire of quality level for the streamed data).

- Regarding claims 5-6, 15-16 and 25-26, **Radford** further discloses,
generating the received input specifying the at least one media file for transfer via at least one of a media guide, channel guide and a device guide from a television screen within a home (for example see page 2, para [0016]; page 4, para [0028]).

- In regard to claims 7, 17 and 27, **Radford** further discloses, *at least one of queuing and buffering at least a portion of the at least one media file during the transferring (for example see*

page 4, para [0031], lines 19-23; wherein the new streamed data is cached by the system, e.g. “buffering”).

- In regard to claims 10, 20 and 30-31, **Radford** further discloses, *wherein the parameters for transfer of the at least one media file comprises at least one of a resolution, color content, encoding type, encoding rate, compression type, display size, a bandwidth to be utilized for transfer of the transfer, a time to be utilized for the transfer, and a cost for the transfer* (for example see pages 1-2, para [0009]; page 2, para [0017]; page 4, para [0028], [0030-0031]) and wherein, the “computer processor” is inherently being in the servers or client device, for controlling the delivery of streamed video data over the communication network.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nakatsuyama, Takashi** (U.S.6,253,246).

- In regard to claims 6, 16 and 26, **Nakatsuyama** discloses the data distribution method and system for distributing video and music on demand, e.g. VOD, MOD, to the user’s request

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as applied in part 4 above of this office action; wherein the monitor's screen of the data receiver 10 displays the selecting choices for user's request inputting through keyboard or mouse (see figure 2) as disclosed in col. 5, lines 24-67; col. 9, lines 52-67; the controller will generate the desired corresponding data quality and transfer time, e.g. "*generating the received input from a screen within a home*". Though, **Nakatsuyama** does not explicitly disclose about "*television*"; however, it is obvious that "*television*" screen or monitor screen is just choices for displaying the control to the user for setting/adjusting the desired quality.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to use the "*television*" screen for display the user's selecting choices in the **Nakatsuyama**'s system, with the motivation being to provide different types of display with less complicated and more friendly, e.g. TV vs. computer, to the user for use as household appliance in the user's home as disclosed in col. 3, lines 34-36.

6. Claims 8-9, 18-19 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Radford et al.** (U.S.2002/0144276) in view of **Nakatsuyama, Takashi** (U.S.6,253,246).

- Regarding claims 8-9, 18-19 and 28-29, **Radford** discloses all the subject matter of the claimed invention as applied in part 5 above of this office action; but fails to explicitly disclose about the "*cost*" which vary based on the selected parameters that specify the quality of service. However, such implementation is known in the art.

For example, **Nakatsuyama** discloses, presenting a cost for transferring the at least one media file via the communication channel utilizing the quality of service selection (for example

see col. 12, lines 10-16) and varying the cost depending on the selected parameters that specify the quality of service (for example see col. 12, lines 1-16).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to presenting the cost, which vary based on the selected parameters that specify the quality of service as taught by **Nakatsuyama** into **Radford**'s system, with the motivation being to provide convenience to the user for knowing the amount of fee due to the selected service as disclosed in **Nakatsuyama**: col. 12, lines 10-16.

(10) Response to Argument

1. Appellant's arguments, regarding the final rejection under 35 U.S.C. 102(b) of the claims 1-5, 7-15, 17-25, and 27-31 over **Nakatsuyama**, are not persuasive for the following reasons:

a) For rejection of independent claims 1, 11, and 21:

Regarding claim 1, Appellant mainly argued that Nakatsuyama does not teach "*causing a display of a plurality of quality of service options corresponding to [said] at least one media file for selection by a remote user*" (see pages 6-8). The examiner respectfully disagrees.

Nakatsuyama discloses (see fig. 2; col. 5, lines 39-67), wherein the user (claimed "*remote user*") first designates selected genre field 5 on the display screen (claimed "*display*") for the cursor moves to the content name input field 2 and wait for an input, and after the user enters the desired name and pushes the return key (claimed "*media file for selection by a remote user*"), the quality setting field 3 and transfer time setting field 4 will stand waiting for the desired setting via the scales 3a/4a and indexes 3b/4b (claimed "*causing a display of a plurality of quality of*

service options”); wherein the quality and transfer time setting are for the selected desired name in the content name input field (claimed “*display of a plurality of quality of service options corresponding to [said] at least one media file for selection by a remote user*”).

Therefore, Nakatsuyama does teach all the quoted claimed elements “*causing a display of a plurality of quality of service options corresponding to [said] at least one media file for selection by a remote user*”.

Appellant also argued, Nakatsuyama does not teach independent claims 11, 21, and dependent claims 2-5, 7-10; 12-15, 17-20; 22-25, 27-31 (see page 7, paragraph 4). Nevertheless, Appellant does not provide any specific argument for independent claims 11, 21, and dependent claims 2-5, 7-10; 12-15, 17-20; 22-25, 27-31; therefore, the examiner maintains that Nakatsuyama discloses the claimed elements “*causing a display of a plurality of quality of service options corresponding to [said] at least one media file for selection by a remote user*”, as set forth in the rejection above for independent claims 11, 21; and dependent claims 2-5, 7-10; 12-15, 17-20; 22-25, 27-31, and by virtue of their dependence from claims 1, 11 and 21; and with the same argument for claim 1 above.

b) For examiner’s response to arguments in the final office action:

Appellant argued, Nakatsuyama does not disclose “*causing a display of a plurality of quality of service options for selection by a remote user*” **after** the media file is specified (see pages 8-9). The examiner respectfully disagrees.

Nakatsuyama clearly discloses in col. 5, lines 39-67; wherein, **after** the user designates the desired genre and then enters the desired content name in the content name input field 2 and

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pushes the return key, i.e. “... **receiving an input specifying at least one media file for transfer** ...” or “**after** the media file is specified” (see col. 5, lines 39-50; where the selected genre and content name are the specified media file); the quality setting field 3 and transfer time setting field 4 will stand waiting for the user’s desired setting (col. 5, lines 50-51) via the scales 3a/4a and indexes 3b/4b (col. 5, lines 52-67), i.e. “*causing a display of a plurality of quality of service options for selection by a remote user*”; wherein the quality and transfer time setting are for the selected content name file or “specified media file”.

Appellant also argued, Nakatsuyama discloses displaying the quality of service options **prior to** the media file name being entered or identified.

Nevertheless, the claim does not preclude that the media file input and the quality of service options to be displayed at the same time (see fig. 2); but just cause the display of a plurality of service options for selection **after** the media file is being entered or specified. Therefore, Examiner concludes that Nakatsuyama teaches the arguable features.

c) For rejection of dependent claims 2-5, 7-10; 12-15, 17-20; 22-25, 27-31:

Since Appellant does not provide any specific arguments for dependent claims 2-5, 7-10; 12-15, 17-20; 22-25, 27-31 (see page 9, last paragraph); therefore, the examiner maintains the rejections for claims 2-5, 7-10; 12-15, 17-20; 22-25, 27-31, as set forth in the rejection above and by virtue of their dependence from claims 1, 11 and 21.

2. Appellant’s arguments, regarding the final rejection under 35 U.S.C. 102(a) of the claims 1-7, 10-17, 20-27, and 30-31 over **Radford**, are not persuasive for the following reasons:

a) For Rejection of claims 1, 11, and 21:

Appellant mainly argued, Radford does not teach “receiving an input specifying at least one media file for transfer via a communication channel in the communication network; *causing a display of a plurality of quality of service options corresponding to said at least one media file for selection by a remote user; receiving a quality of service selection specifying at least one of said plurality of quality of service options; and transferring said at least one media file via said communication channel utilizing said quality of service selection.*”, when reading in context of the entire respective claim, that is “*causing a display ...for selection by a remote user*” occurs **after** specifying “at least one media file for transfer”, but **before** the selected “quality of service selection” is received (see page 10, paragraph 3, through page 14, last paragraph); “*receiving a quality of service selection ... services options*” that correspond to the specified media file **after** specifying the media file for transfer, but **before** the media file is transferred (see page 15, first paragraph through page 17, first paragraph); and “*transferring ... quality of service selection.*” occurs where the quality of service options were selected **before** the media file is transferred (see page 17, second paragraph through page 18, last paragraph). The examiner respectfully disagrees.

In Radford, after the request is made by the client for initial content file to the listing server for streaming audio/video content, e.g. “receiving an input specifying at least one media file for transfer”, (see page 1, para [0008], lines 1-6; page 2, para [0018], lines 1-5; where the initial content file, e.g. “*specifying media file for transfer*”, is set up with initial quality level

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through user interface program as disclosed in page 1, para [0008], lines 12-22; page 2, para [0019], lines 1-6); then

the user can re-request for changing time and quality level for the second data stream with same information content as the initially requested data content, e.g. *“specified media file for transfer”*, but with different time and quality level, e.g. *“causing a display of a plurality of quality of service options corresponding to said at least one media file for selection by a remote user”* (see page 1, para [0009], lines 1-12; wherein time and quality options can be adjusted by user through the graphic user interface display as disclosed in fig. 2; page 1, para [0008], lines 13-22; page 4, para [0031], lines 1-9), wherein the request for changing time and quality level (*“causing a display ...for selection by a remote user”*) occurs **after** the user requests for initial content file (‘after specifying a media file’), but **before** the second data content file is transferred (‘before the media file is transferred’);

and when the listing server receives the user’s re-request for time and quality adjusting, e.g. *“receiving a quality of service selection ... services options”* (see page 4, para [0031], lines 9-13); that is the listing server receives the user’s re-request for changing time and quality level occurs **after** the user re-requests for changing time and quality level for the initial content file, but **before** the second data content file is transferred to user from the listing server;

and the second data content file with same information content as the initially requested data content, but with different time and quality level is delivered to client device, e.g. *“transferring said at least one media file via said communication channel utilizing said quality of service selection.”* (see pages 1-2, para [0009], lines 4-14); that is the re-request for changing

time and quality level were selected by user and received by the listing server **before** the second data content file transfer starts.

Applicant also argues that Radford fails to disclose “*causing a display ...for selection by a remote user*”, which occurs **after** the media file is specified but **before** the selected quality of service selection is received and specified media file is transferred (see page 11, second paragraph). Examiner respectfully disagrees.

Radford discloses, wherein the user’s re-request for changing time and quality level, e.g. “*causing a display ...for selection by a remote use*” as specified in fig. 2; page 1, para [0009], lines 1-9; occurs **after** the initial request with initial quality level, e.g. “*input specifying media file for transfer*”, set/selected by the user in the data transfer preference as specified in page 2, para [0018], lines 3-14, but **before** the listing server receives the user’s re-request, e.g. the selected ‘quality of service selection’ is received, and **before** the second data content file is transferred; wherein the second data content file has the same information content as the initially requested data content, but with different time and quality level is transferred to user, e.g. the ‘at least one media file’ is transferred ‘utilizing said quality of service selection.’ as specified in page 2, para [0009], lines 12-13.

Even for the initial streamed data content case, the claim does not preclude that the initial streamed data content and the video/quality control to be displayed at the same time (see fig. 2).

Therefore, Examiner concludes that Radford teaches the arguable features “receiving an input specifying at least one media file for transfer via a communication channel in the communication network; *causing a display of a plurality of quality of service options corresponding to said at least one media file for selection by a remote user; receiving a quality*

of service selection specifying at least one of said plurality of quality of service options; and transferring said at least one media file via said communication channel utilizing said quality of service selection.”, when reading in context of the entire respective claim.

b) For examiner’s response to arguments in the final office action:

Appellant argued, Radford does not disclose “*causing a display of a plurality of quality of service options corresponding to said at least one media file for selection by a remote user*” **after** the media file is specified but **before** transferring the specified media file (see pages 19-21). The examiner respectfully disagrees.

Radford discloses, wherein the user’s re-request for changing time and quality level for the initial request (“*causing a display of a plurality of quality of service options corresponding to said at least one media file for selection by a remote user*”; see page 21, third paragraph) as specified in fig. 2; page 1, para [0009], lines 1-9; occurs **after** the initial request with initial quality level, e.g. “*input specifying media file for transfer*”, set/selected by the user in the data transfer preference as specified in page 2, para [0018], lines 3-14; but **before** the second data content file is transferred (wherein the second data content file has the same information content as the initially requested data content, but with different time and quality level is transferred to user, e.g. the ‘at least one media file’ is transferred ‘utilizing said quality of service selection.’ as specified in page 2, para [0009], lines 12-13).

Even for the initial data content case, the claim does not preclude that the initial data content (as ‘**presently being delivered**’, see page 20, third paragraph) and the video/quality control to be displayed at the same time (see fig. 2) or for the second data content case, the claim

does not exclude that the second data content (as ‘**remainder** of the same media file being sent at the new quality level’) to be sent to the user; but just cause the display of a plurality of service options for selection **after** the media file is selected or specified.

Appellant also argued, Radford does not teach a quality level selected after specifying a media file, but just discloses **a default quality level** that already selected **prior to** specifying the media file, sending The examiner respectfully disagrees.

Radford does disclose wherein the user’s re-request for changing time and quality level (‘selected quality level’) for the initial request data content is clearly occurred **after** the user selected the initial request data content with initial time and quality level setting (‘specifying media file’ with ‘**a default quality level**’) as disclosed in page 1, para [0009], lines 1-8; and where the claim does not exclude the selection of initial request data content file together with the initial time and quality level setting.

Therefore, Examiner concludes that Radford teaches the arguable features.

c) For rejection of dependent claims 2-6, 10; 12-17, 20; 22-27, 30-31:

Since Appellant does not provide any specific arguments for dependent claims 2-6, 10; 12-17, 20; 22-27, 30-31 (see page 22, part C); therefore, the examiner maintains the rejections for claims 2-6, 10; 12-17, 20; 22-27, 30-31, as set forth in the rejection above and by virtue of their dependence from claims 1, 11 and 21.

3. For the rejection under 35 U.S.C. 103(a) of the claims 6, 16, and 26 over **Nakatsuyama**:

Since Appellant does not provide any specific arguments for dependent claims 6, 16, and 26 (see page 22, part III); therefore, the examiner maintains the rejections for claims 6, 16, and 26, as set forth in the rejection above and by virtue of their dependence from claims 1, 11 and 21.

4. For the rejection under 35 U.S.C. 103(a) of the claims 8-9, 18-19, and 28-29 over **Radford** in view of **Nakatsuyama**:

Since Appellant does not provide any specific arguments for dependent claims 8-9, 18-19, and 28-29 (see page 23, part IV); therefore, the examiner maintains the rejections for claims 6, 16, and 26, as set forth in the rejection above and by virtue of their dependence from claims 1, 11 and 21.

5. For Appellant's argument to examiner's response to amendment/arguments in the final office action:

a) For combination of Radford and Nakatsuyama (see page 23, part A):

Since Appellant does not provide any specific arguments addressing for the combination of Radford and Nakatsuyama (see page 23, part V); therefore, the examiner maintains the rejections for the 35 U.S.C. 103(a), as set forth in the rejection above.

b) For argument in traversal of Official Notice (see page 23, part B):

Nakatsuyama (see page 24, second paragraph):

Appellant argued, Nakatsuyama does not disclose “*generating said received input from a television screen within a home*”. The examiner respectfully disagrees.

Nakatsuyama discloses a system and method for distributing digital data and a data receiver adapted to select the quality of data to be served from the server to the user such as video/music on demand ‘VOD/MOD’ through a control program installed in the data receiver (see col. 1, line 66 through col. 2, line 4; col. 4, lines 60-66; where data receiver is just a household appliance in the user’s home as disclosed in col. 3, lines 34-36); wherein, through display screen 15a of the monitor (‘graphic user interface’; see fig. 2), user can select information such as genre, content name, or set/adjust quality and transfer time for requesting data, i.e. generating the received input from a display screen of the monitor, (see col. 5, lines 24-67; col. 9, lines 52-67). Thus, Nakatsuyama does not explicitly disclose about “*television*” screen; however, it is obvious that “*television*” screen or display screen of the monitor is just choices for displaying the control program to the user, for setting/adjusting the desired information to requesting data (for example see Radford; page 2, para [0016], lines 1-7; wherein user devices such as computers, display terminals, digital televisions, etc., are display choices of user in the user’s home, e.g. ‘household appliances’, for displaying the control program to the user [see fig. 2], for setting/adjusting the desired information to requesting data).

Radford (see page 24, third paragraph to page 25, third paragraph):

Appellant argued, Radford does not disclosed “*generating said received input from a television screen within a home*”. The examiner respectfully disagrees.

Radford discloses a system and method for controlling the delivery of streamed video data over a communications network (see page 1, para [0001]), which allows the user to select/adjust the quality level of data to be delivered through the use of video quality management program displaying on the user interface of client device (see fig. 2, page 4, paras [0029-0031]; wherein client devices are computers, digital televisions, etc., as specified in page 2, para [0016], lines 1-7).

Therefore, Examiner concludes that Nakatsuyama and Radford teach the arguable features.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Tri H. Phan/

April 07, 2008

Conferees:

Chi H. Pham

/Chi H Pham/

Supervisory Patent Examiner, Art Unit 2616, 4/8/08

/CHAU T. NGUYEN/

Supervisory Patent Examiner, Art Unit 2619